

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1-19 have been rejected.

Claims 1-14, 16 and 18-19 have been amended.

Claim 20 has been added.

Claims 1-20 are pending in this application.

Formal Matters

The title was objected to as not being descriptive. The title has been changed to be more descriptive.

The Examiner has asked for an updated reference for a co-pending application. That application (09/660,064) has been abandoned, and therefore the reference thereto has also been deleted from the specification.

Substantive Matters

Claims 1, 5-12 and 16-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida et al. (U.S. Patent No. 6,130,757, hereinafter "Yoshida") in view of Bruck et al. (U.S. Patent No. 6,801,949, hereinafter "Bruck"). This rejection is respectfully traversed.

Independent claim 1 has been amended to more clearly specify the invention to remove ambiguity. Moreover, claim 1 has been amended to clarify that lower-priority applications can be interrupted, and higher-priority applications can take control of the user interface, thereby solving the conflicting interruption problem described in the Background. Support for these changes can be found in the specification on page 2 lines 14-33, page 4 lines 4-34, page 6 lines 24-25, and Fig. 6 described on page 12 line 19 to page 13 line 10.

Yoshida describes assigning priorities to a table of jobs, and then executing the jobs in order of priorities. Applicants submit that Yoshida does not describe the interruption of jobs, wherein an application can take over a user interface from another application. In particular, Yoshida could not envision this purpose since Yoshida is involved with print jobs, wherein the interruption of a print job by another print job would produce a garbled printout which would not be a desired result by either application. Therefore, Yoshida does not recognize applicants' particular problems, and therefore could not suggest or describe applicants' novel solution.

Along these lines, the Examiner admits that Yoshida does not contemplate the interruption of non-user selectable jobs. This is entirely reasonable deduction as Yoshida is only concerned with print jobs, which are by definition user selectable. Therefore, the Examiner should agree that Yoshida does not recognize applicants' particular problems, and therefore could not suggest or describe applicants' novel solution.

Bruck describes the switching of data paths of information to provide "dynamic load balancing" of the information among multiple data paths. However, Bruck is involved with multiple data paths which can accommodate multiple data streams. Applicants are instead concerned with *one* user interface, which is an endpoint of a data path. Bruck can not be applied to applicants' situation unless Bruck describes how to deliver multiple data streams to one endpoint device, wherein there is no "dynamic load balancing" possible, but only one data stream is allowed access to the endpoint (i.e. user interface) at a time. Moreover, Bruck does not suggest or disclose application that can terminate another applications access to a user interface, take control of the user interface, and return control to the original application. Further, applicants submit that Bruck is simply too far removed from applicants described problem to be applicable to applicants' novel solution.

Advantageously, applicants' invention of claim 1 provides a solution for controlling application interruptions of a user interface that at least are an annoyance to a user and at most can crash a system. Neither Yoshida nor Bruck, in combination or alone, suggest or disclose applicants' novel priority queue manager for asynchronous requests provides an efficient solution to the stated problem. Applicants respectfully submit that there is no suggestion to combine the references, and if they could be properly combined, do not lead to the applicants' invention.

Therefore, applicants respectfully submit that amended claim 1 is novel and distinct over the cited art and should be allowable for the above reasons.

Claims 5 and 9 have been amended to properly follow from amended claim 1. Although Yoshida may describe returning control to a server, applicants' invention is completely different in that control is returned not to a server but to an originating application or another application in the queue. Support for this can be found in the specification on page 13 lines 6-10.

Claims 6-8 and 10-11 have been amended to properly follow from amended claim 1. Moreover, claims 5-11 are dependent on amended claim 1, and therefore include all of the recitations of claim 1, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Claim 12 has been amended to include recitations similar to those of amended claim 1, hereby incorporated by reference and is therefore deemed allowable as well for the same reasons.

Similarly, claims 16 and 18-19 have been amended to properly follow from amended claim 12. Moreover, claims 16-19 are dependent on amended claim 12, and therefore include all of the recitations of claim 12, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Therefore, applicants respectfully request that this rejection be withdrawn.

Claims 2-4 and 13-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida and Bruck as applied to claims 1 and 12 respectively, and further in view of Jones et al. (U.S. Patent No. 6,003,061, hereinafter "Jones"). This rejection is respectfully traversed.

Claims 2-4 and 13-14 have been amended to properly follow from amended claims 1 and 12 respectively.

Yoshida has been distinguished over previously. Applicants' distinguishing remarks providing the benefits of applicants' invention over Yoshida, to the extent applicable, are hereby incorporated by reference.

Bruck has been distinguished previously, and the above arguments concerning Bruck are hereby incorporated by reference.

Jones appears to disclose an urgency indicator. However, Jones does not disclose the specific priority queue indication, including importance and urgency, as recited in amend claims 2 and 13. Moreover, Jones does not contemplate the interruption of non-user selectable jobs, as in amended base claims 1 and 12.

In addition, claims 2-4 and 13-15 are dependent on amended claims 1 and 12 respectively, and therefore include all of the recitations of those claims, which are not disclosed or suggested by the references, and are therefore deemed allowable as well for the same reasons.

Accordingly, it is respectfully submitted that this rejection has been overcome.

Claim 20 has been added having similar recitations as amended claim 9, and is therefore deemed allowable as well for the same reasons.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.


No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Please note the new correspondence address below.

New correspondence address:
Customer Number 22917
Motorola, Inc.
Law Dept. - 3rd floor
1303 E. Algonquin Rd.
Schaumburg, IL 60196

Respectfully submitted,
Clayton et al.

By: 
Brian M. Mancini
Attorney for Applicant(s)
Registration No. 39,288
Phone: (847) 576-3992
FAX: (847) 576-3750